

1982 WL 189270 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 28, 1982

*1 Mr. Cary D. Chamblee
Deputy Director
Land Resources Conservation Commission
2221 Devine Street
Suite 222
Columbia, South Carolina 29205

Dear Mr. Chamblee:

You have requested the opinion of this Office on the question of whether a member of the South Carolina Mining Council holds an office for purposes of the dual office holding provisions of the South Carolina Constitution.

It is provided in [Article XVII, § 1A of the South Carolina Constitution](#) that ‘. . . no person shall hold two offices of honor or profit at the same time.’ For this provision to be contravened, a person must concurrently hold two public offices created by law which have duties involving an exercise of some portion of the sovereign power of the State. [Sanders v. Belue, 78 S.C. 171 \(1907\)](#).

My review of the statutes creating the Mining Council and prescribing its duties indicates that it serves merely as an advisory body and exercises no portion of the sovereign power of the State. See, [§§ 48-21-10 and 20, Code of Laws of South Carolina, 1976, as amended](#). Since a member of the Mining Council is given no authority to exercise any portion of the sovereign power of the State, he would not hold an office under the dual office holding provisions of the South Carolina Constitution.

Very truly yours,

Helen T. Zeigler
Staff Attorney

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